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Technology Center 2100

PTO/SB/81 (02-01)

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## POWER OF ATTORNEY OR AUTHORIZATION OF AGENT

Application Number	09/839,858
Filing Date	4/20/01
First Named Inventor	Schwartz
Title	Reducing Perceived Latency in Servicing..
Group Art Unit	2152
Examiner Name	Unknown
Attorney Docket Number	1006C1

I hereby appoint:

- ☒ Practitioners at Customer Number  → 

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Number Bar Code  
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**OR**

- ☐ Practitioner(s) named below:

Name	Registration Number

as my/our attorney(s) or agent(s) to prosecute the application identified above, and to transact all business in the United States Patent and Trademark Office connected therewith.

Please change the correspondence address for the above-identified application to:

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**OR**

- ☐ Firm or  
Individual Name

Address

Address

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State

Zip

Country

Telephone

Fax

I am the:

- ☐ Applicant/Inventor.

- ☒ Assignee of record of the entire interest. See 37 CFR 3.71.  
Statement under 37 CFR 3.73(b) is enclosed. (Form PTO/SB/96).

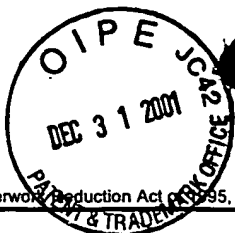
### SIGNATURE of Applicant or Assignee of Record

Name	Alan D. Minsk
Signature	<i>Alan D. Minsk</i>
Date	Oct. 29, 2001

NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required. Submit multiple forms if more than one signature is required, see below\*.

- ☐ \*Total of \_\_\_\_\_ forms are submitted.

Burden Hour Statement: This form is estimated to take 3 minutes to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Washington, DC 20231.

**STATEMENT UNDER 37 CFR 3.73(b)****RECEIVED**

JAN 04 2002

Technology Center 2100

Applicant/Patent Owner: Schwartz et al.Application No./Patent No.: 09/839,858 Filed/Issue Date: 4/20/01Entitled: Reducing Perceived Latency in Servicing...Openwave Systems Inc., a corporation

(Name of Assignee)

(Type of Assignee, e.g., corporation, partnership, university, government agency, etc.)

states that it is:

1. ☒ the assignee of the entire right, title, and interest; or
2. ☐ an assignee of less than the entire right, title and interest.  
The extent (by, percentage) of its ownership interest is \_\_\_\_\_ %

in the patent application/patent identified above by virtue of either:

- A. ☐ An assignment from the inventor(s) of the patent application/patent identified above. The assignment was recorded in the United States Patent and Trademark Office at Reel \_\_\_\_\_, Frame \_\_\_\_\_, or for which a copy thereof is attached.

OR

- B. ☒ A chain of title from the inventor(s), of the patent application/patent identified above, to the current assignee as shown below:

1. From: Schwartz et al. To: Unwired Planet, Inc.  
The document was recorded in the United States Patent and Trademark Office at Reel 8945, Frame 0481-0502, or for which a copy thereof is attached.
2. From: Unwired Planet, Inc. To: Phone.com  
The document was recorded in the United States Patent and Trademark Office at Reel 011542, Frame 0984, or for which a copy thereof is attached.
3. From: Phone.com To: Openwave Systems Inc.  
The document was recorded in the United States Patent and Trademark Office at Reel \_\_\_\_\_, Frame \_\_\_\_\_, or for which a copy thereof is attached.

☐ Additional documents in the chain of title are listed on a supplemental sheet.

- ☒ Copies of assignments or other documents in the chain of title are attached.

[NOTE: A separate copy (i.e., the original assignment document or a true copy of the original document) must be submitted to Assignment Division in accordance with 37 CFR Part 3, if the assignment is to be recorded in the records of the USPTO. See MPEP 302.08]

The undersigned (whose title is supplied below) is authorized to act on behalf of the assignee.

OCT. 29, 2001  
Date

Alan D. Minsk

Typed or printed name

  
Signature

Director of Patents and Patent Counsel

Title



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JAN 04 2002  
Technology Center 2100

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## Delegation of Signature Authority

### Powers of Attorney

To Whom It May Concern:

I, Alan Black, Sr. Vice-President and Chief Financial Officer of Openwave Systems Inc., hereby delegate the authority to sign Powers of Attorney and other patent-related documents to Alan D. Minsk, Esq. Mr. Minsk is the Director of Patents and Patent Counsel.

Sincerely,

A handwritten signature in black ink, appearing to be 'Alan Black'.

Alan Black  
Sr. Vice-President and Chief Financial Officer  
Openwave Systems Inc.



State of Delaware  
Office of the Secretary of State

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JAN 04 2002

PAGE 1 Technology Center 2100

Name Change

I, EDWARD J. FREEL, SECRETARY OF STATE OF THE STATE OF DELAWARE, DO HEREBY CERTIFY THE ATTACHED IS A TRUE AND CORRECT COPY OF THE CERTIFICATE OF OWNERSHIP, WHICH MERGES:

"BRONZE MERGER SUB INC.", A DELAWARE CORPORATION,

WITH AND INTO "PHONE.COM, INC." UNDER THE NAME OF "OPENWAVE SYSTEMS INC.", A CORPORATION ORGANIZED AND EXISTING UNDER THE LAWS OF THE STATE OF DELAWARE, AS RECEIVED AND FILED IN THIS OFFICE THE SEVENTEENTH DAY OF NOVEMBER, A.D. 2000, AT 12:32 O'CLOCK P.M.

A FILED COPY OF THIS CERTIFICATE HAS BEEN FORWARDED TO THE NEW CASTLE COUNTY RECORDER OF DEEDS.



Edward J. Freel, Secretary of State

2460829 3100M

001579456

AUTHENTICATION: 0301357

DATE: 11-17-00



STATE OF DELAWARE  
SECRETARY OF STATE  
DIVISION OF CORPORATIONS  
FILED 12:32 PM 12/17/2000  
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JAN 04 2002

Technology Center 2100

**CERTIFICATE OF OWNERSHIP AND MERGER  
OF  
BRONZE MERGER SUB INC.  
INTO  
PHONE.COM, INC.**

---

Pursuant to Section 253 of the General  
Corporation Law of the State of Delaware

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Phone.com, Inc. (the "Corporation"), pursuant to Section 253 of the General Corporation Law of the State of Delaware (the "DGCL"), hereby certifies as follows:

**FIRST:** The Corporation is incorporated pursuant to the General Corporation Law of the State of Delaware.

**SECOND:** The Corporation owns 100% of the outstanding shares of each class of capital stock of Bronze Merger Sub Inc., a Delaware corporation (the "Subsidiary").

**THIRD:** The Board of Directors of the Corporation, by unanimous written consent dated November 16, 2000 pursuant to Section 141(f) of the DGCL, duly adopted resolutions authorizing the merger of the Subsidiary with and into the Corporation (the "Merger"). A true copy of such resolutions is attached hereto as Exhibit A. Such resolutions have not been modified or rescinded and are in full force and effect on the date hereof.

**FOURTH:** The Corporation shall be the surviving corporation of the Merger (the "Surviving Corporation").

**FIFTH:** At the effective time of the Merger the name of the Surviving Corporation shall be changed to Openwave Systems Inc.

**SIXTH:** The Merger shall become effective upon the filing of this Certificate of Ownership and Merger with the Secretary of State of the State of Delaware.

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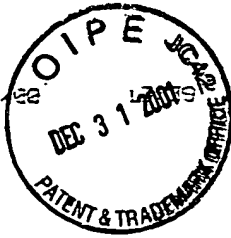
SKADDEN ARPS → CSR

IN WITNESS WHEREOF, Phone.com, Inc. has caused this Certificate of Ownership to be executed in its corporate name as of this 17th day of November, 2000.

PHONE.COM, INC.

By: /s/ Alan Black  
Alan Black  
Senior Vice President, Corporate Affairs,  
Chief Financial Officer and Treasurer

11/17/00



SKADDEN ARPS - CSR

NO. 951 026

IN WITNESS WHEREOF, Phone.com, Inc. has caused this Certificate of Ownership to be executed in its corporate name as of this 17th day of November, 2000.

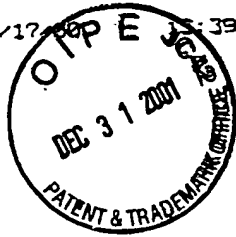
PHONE.COM, INC.

By: /s/ Alan Black  
Alan Black  
Senior Vice President, Corporate Affairs,  
Chief Financial Officer and Treasurer

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SKADDEN ARPS - CSR

NO. 961 025



## EXHIBIT A

CONSENT IN LIEU OF MEETING  
OF  
THE BOARD OF DIRECTORS  
PHONE.COM, INC.

The undersigned, being all of the directors of Phone.com, Inc., a Delaware corporation (the "Corporation"), acting pursuant to Section 141(f) of the General Corporation Law of the State of Delaware, hereby adopt, by this written consent, the following resolutions and direct that this written consent be filed with the minutes of the proceedings of the Board of Directors of the Corporation.

RESOLVED, that the proper officers of the Corporation be, and each of them hereby is, authorized and directed to cause the formation of Bronze Merger Sub Inc. (the "Subsidiary"), as a wholly owned subsidiary of the Corporation under and pursuant to the laws of the State of Delaware; that the Subsidiary shall be merged with and into the Corporation (the "Merger") and the Corporation shall be the surviving corporation (the "Surviving Corporation") of the Merger; that in connection with the Merger the Surviving Corporation shall change its name to Openwave Systems Inc.; that, from and after the effective time of the Merger, the certificate of incorporation of the Corporation shall be the certificate of incorporation of the Surviving Corporation, the bylaws of the Corporation shall be the bylaws of the Surviving Corporation, the officers and directors of the Corporation shall be the officers and directors of the Surviving Corporation, the outstanding common stock and other securities of the Corporation shall remain outstanding as the common stock and other securities of the Surviving Corporation and the outstanding common stock of the Subsidiary shall be cancelled; that the proper officers of the Corporation be, and each of them hereby is, authorized and directed, in the name and on behalf of the Corporation, to prepare and execute a Certificate of Ownership and Merger and to cause such Certificate of Ownership and Merger to be filed with the Secretary of State of the State of Delaware pursuant to Sections 103 and 253 of the General Corporation Law of the State of Delaware; and that the merger shall be effective at the time stated in such Certificate of Ownership and Merger; and

FURTHER RESOLVED, that, upon the effectiveness of the Merger, the proper officers of the Corporation be, and each of them individually hereby is, authorized, empowered and directed to prepare or cause to be prepared a form of a certificate to evidence shares of common stock of the Corporation, par value \$0.001 per share ("Common Stock") reflecting the change in corporate name resulting from the Merger; that such form of Common Stock certificate shall be adopted, to the same extent as if presented to and adopted by the Board of Directors hereof, provided that a copy thereof be affixed to these resolutions by the Secretary; that the proper officers of the Corporation be, and each of them individually hereby is, authorized, empowered and directed to execute such Common Stock certificates; that any and all signature on such Common Stock certificates may be facsimile signatures; and that in case any officer, transfer agent or registrar who has signed or whose facsimile signature has been placed



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upon such Common Stock certificates shall have ceased to be such officer, transfer agent or registrar before the issuance thereof, it may be issued by the Corporation with the same effect as if such person were such officer, transfer agent or registrar at the date of issue; and

**FURTHER RESOLVED**, that, upon the effectiveness of the Merger, the proper officers of the Corporation, be and each of them individually hereby is, authorized, empowered and directed to prepare or cause to be prepared a corporate seal, reflecting the change in corporate name resulting from the Merger, that such corporate seal shall be adopted, to the same extent as if presented to and adopted by the Board of Directors hereof, provided that an impression of such corporate seal be affixed to these resolutions by the Secretary; and

**FURTHER RESOLVED**, that the proper officers of the Corporation be, and each of them hereby is, authorized and directed to prepare, execute, deliver and file or cause to be prepared, executed, delivered and filed any and all documents and to take any and all actions with federal, state, local and foreign authorities and with the The Nasdaq Stock Market, Inc., as they or any of them may deem necessary or appropriate to effect the corporate name change and Merger contemplated by the foregoing resolutions and to carry out fully the purpose and intent of such resolutions; and

**FURTHER RESOLVED**, that the proper officers of the Corporation be, and each of them hereby is, authorized, empowered and directed, in the name and on behalf of the Corporation, to take all actions necessary to adopt and approve the proposed name change of Phone.com, Inc. to Openwave Systems Inc.; and

**FURTHER RESOLVED**, that all actions heretofore taken by any officer or director of the Corporation in connection with the matters contemplated by the foregoing resolutions be, and they hereby are, approved, adopted, ratified, confirmed and accepted in all respects.

## State of Delaware

## Office of the Secretary of State PAGE 1



Mager w  
Software.com

I, EDWARD J. FREEL, SECRETARY OF STATE OF THE STATE OF DELAWARE, DO HEREBY CERTIFY THE ATTACHED IS A TRUE AND CORRECT COPY OF THE CERTIFICATE OF MERGER, WHICH MERGES:

"SILVER MERGER SUB INC.", A DELAWARE CORPORATION,  
WITH AND INTO "SOFTWARE.COM, INC." UNDER THE NAME OF  
"SOFTWARE.COM, INC.", A CORPORATION ORGANIZED AND EXISTING UNDER  
THE LAWS OF THE STATE OF DELAWARE, AS RECEIVED AND FILED IN THIS  
OFFICE THE SEVENTEENTH DAY OF NOVEMBER, A.D. 2000, AT 12:30  
O'CLOCK P.M.

A FILED COPY OF THIS CERTIFICATE HAS BEEN FORWARDED TO THE  
NEW CASTLE COUNTY RECORDER OF DEEDS.



*Edward J. Freel*

Edward J. Freel, Secretary of State

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AUTHENTICATION: 0800990

DATE: 11-17-00

11/17/00

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STATE OF DELAWARE  
SECRETARY OF STATE  
DIVISION OF CORPORATIONS  
FILED 12:30 PM 11/17/2000  
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**CERTIFICATE OF MERGER  
OF  
SILVER MERGER SUB INC.  
INTO  
SOFTWARE.COM, INC.**

Pursuant to Section 251 of the General  
Corporation Law of the State of Delaware

Software.com, Inc., a Delaware corporation (the "Corporation") does  
hereby certify:

**FIRST:** The names and states of incorporation of the constituent  
corporations to this merger are as follows:

Silver Merger Sub Inc.  
Software.com, Inc.

Delaware  
Delaware

**SECOND:** An Agreement and Plan of Merger, as amended (the  
"Agreement"), has been approved, adopted, certified, executed and acknowledged by  
each of the constituent corporations in accordance with Section 251 of the General  
Corporation Law of the State of Delaware.

**THIRD:** The name of the corporation surviving the merger is  
Software.com, Inc. (the "Surviving Corporation").

**FOURTH:** The Restated Certificate of Incorporation of the Surviving  
Corporation shall be amended to read in its entirety as set forth in Exhibit A attached  
hereto.

**FIFTH:** The executed Agreement is on file at an office of the Surviving  
Corporation at 525 Anacapa Street, Santa Barbara, California 93101. A copy will be  
provided, upon request and without cost, to any stockholder of either constituent  
corporation.

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NO. 958

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IN WITNESS WHEREOF, Software.com, Inc. has caused this Certificate of Merger to be executed in its corporate name this 17th day of November, 2000.

SOFTWARE.COM, INC.

By:   
Name: John L. MacFarlane  
Title: CEO

11/17/00

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NO. 958

004



EXHIBIT A

RESTATED

## CERTIFICATE OF INCORPORATION

OF

SOFTWARE.COM, INC.

FIRST: The name of the corporation is Software.com, Inc. (the "Corporation").

SECOND: The address of the registered office of the Corporation in the State of Delaware is 1209 Orange Street, in the City of Wilmington, County of New Castle. The name of its registered agent at that address is The Corporation Trust Company.

THIRD: The purpose of the Corporation is to engage in any lawful act or activity for which a corporation may be organized under the General Corporation Law of the State of Delaware as set forth in Title 8 of the Delaware Code (the "GCL").

FOURTH: The total number of shares of stock which the Corporation shall have authority to issue is one hundred (100) shares of Common Stock, each having a par value of one penny (\$.01).

FIFTH: The following provisions are inserted for the management of the business and the conduct of the affairs of the Corporation, and for further definition, limitation and regulation of the powers of the Corporation and of its directors and stockholders:

(1) The business and affairs of the Corporation shall be managed by or under the direction of the Board of Directors.

(2) The directors shall have concurrent power with the stockholders to make, alter, amend, change, add to or repeal the By-Laws of the Corporation.

(3) The number of directors of the Corporation shall be as from time to time fixed by, or in the manner provided in, the By-Laws of the Corporation. Election of directors need not be by written ballot unless the By-Laws so provide.

(4) No director shall be personally liable to the Corporation or any of its stockholders for monetary damages for breach of fiduciary duty as a director, except

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for liability (i) for any breach of the director's duty of loyalty to the Corporation or its stockholders, (ii) for acts or omissions not in good faith or which involve intentional misconduct or a knowing violation of law, (iii) pursuant to Section 174 of the GCL or (iv) for any transaction from which the director derived an improper personal benefit. Any repeal or modification of this Article FIFTH by the stockholders of the Corporation shall not adversely affect any right or protection of a director of the Corporation existing at the time of such repeal or modification with respect to acts or omissions occurring prior to such repeal or modification.

(5) In addition to the powers and authority hereinbefore or by statute expressly conferred upon them, the directors are hereby empowered to exercise all such powers and do all such acts and things as may be exercised or done by the Corporation, subject, nevertheless, to the provisions of the GCL, this Certificate of Incorporation, and any By-Laws adopted by the stockholders; provided, however, that no By-Laws hereafter adopted by the stockholders shall invalidate any prior act of the directors which would have been valid if such By-Laws had not been adopted.

SIXTH: Meetings of stockholders may be held within or without the State of Delaware, as the By-Laws may provide. The books of the Corporation may be kept (subject to any provision contained in the GCL) outside the State of Delaware at such place or places as may be designated from time to time by the Board of Directors or in the By-Laws of the Corporation.

SEVENTH: The Corporation reserves the right to amend, alter, change or repeal any provision contained in this Certificate of Incorporation, in the manner now or hereafter prescribed by statute, and all rights conferred upon stockholders herein are granted subject to this reservation.